

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

WILLIE ERVING TAYLOR, JR.,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:17-CV-784-RLM-MGG
)	
WARDEN,)	
)	
Respondent.)	

OPINION AND ORDER

Willie Erving Taylor, Jr., a prisoner without a lawyer, filed a habeas corpus petition challenging his prison disciplinary hearing in MCF 17-05-606 in which a Disciplinary Hearing Officer at the Miami Correctional Facility found him guilty of Assault on Staff in violation of B-212 on June 7, 2017. Mr. Taylor was lost 30 days earned credit time and was demoted from Credit Class 1 to Credit Class 2.

The finding of guilt and sanctions were vacated after Mr. Taylor filed his petition, ECF 12-2. The Warden has moved to dismiss because this case is now moot. ECF 12. Mr. Taylor didn't file a response and the time for doing so has passed. See N.D. Ind. L. Cr. R. 47-2. Regardless, the court can't overturn the disciplinary proceeding and restore his time because the Indiana Department of Correction has already vacated the proceeding and restored his time. That is to say, Mr. Taylor has already won and there is nothing for this court to fix. Accordingly, this case must be dismissed. See Hadley v. Holmes, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the

duration of his confinement).

For these reasons, the court GRANTS the motion to dismiss (ECF 12) and DISMISSED the case. The clerk is DIRECTED to close this case.

SO ORDERED on May 7, 2018

/s/ Robert L. Miller, Jr.
JUDGE
UNITED STATES DISTRICT COURT